

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE: Bair Hugger Forced Air Warming  
Products Liability Litigation

MDL No. 15-2666 (JNE/DTS)

THIS DOCUMENT RELATES TO:

17-cv-04891 (*Edwards v. 3M Co., et al.*)  
17-cv-05277 (*Billings v. 3M Co., et al.*)  
17-cv-05270 (*Johnston v. 3M Co., et al.*)  
17-cv-04517 (*Henderson v. 3M Co., et al.*)  
18-cv-01738 (*McClain v. 3M Co., et al.*)

**PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

NOW COME Plaintiffs, in the above-captioned matters, identified in Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 [Dkt. 1463], and by and through the undersigned counsel submit this, Responses to Defendants' Motion to Dismiss, along with the Declaration of Daniel C. Burke, Esq. and would respectively show the Court the following:

**Plaintiffs Edwards, Billings and Johnston**

Plaintiff Todd Johnston submitted an updated verification on November 06, 2018. Plaintiffs Renate Edwards and Willard Billings submitted updated Plaintiff Fact Sheets (PFS) with updated verifications on December 11, 2018. It is our policy to retrieve new verifications from clients every time we submit an amended PFS. Having reviewed the files for Plaintiffs Edwards, Billings and Johnston, the undersigned has no knowledge or information to suggest that our standard policy was not followed in these cases, or that anyone in our office "whited out" and re-dated the verification forms.

In any event, there has been no prejudice to Defendants' as updated verifications have been submitted.

For the foregoing reasons, Plaintiffs believe that Defendant's Motion is moot and therefore request that Defendant's Motion to Dismiss be denied.

DATED: December 13, 2018

Respectfully submitted,

**BERNSTEIN LIEBHARD LLP**

By: /s/ Daniel C. Burke

Daniel C. Burke  
10 E. 40th Street  
New York, NY 10016  
Telephone: (212) 779-1414  
Facsimile: (212) 779-3218  
Email: dburke@bernlieb.com  
Email: dweck@bernlieb.com

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby that on December 13, 2018 a copy of the foregoing document was served on all parties via the Court's electronic filing system.

Respectfully submitted,

**BERNSTEIN LIEBHARD LLP**

By: /s/ Daniel C. Burke  
Daniel C. Burke  
10 E. 40th Street  
New York, NY 10016  
Telephone: (212) 779-1414  
Facsimile: (212) 779-3218  
Email: dburke@bernlieb.com  
Email: dweck@bernlieb.com

Attorneys for Plaintiff